

Part 1

General Provisions

17-50-101 Definitions.

As used in this title:

- (1) "County" means a unit of local government that is a body corporate and politic and a legal subdivision of the state, with geographic boundaries as described in Section 17-50-104, and powers as provided in Part 3, County Powers.
- (2) "Executive," when used to describe the powers, duties, or functions of a person or body elected as the county executive or a person appointed as the county manager or administrative officer, refers to:
 - (a) the power and duty to carry laws and ordinances into effect and secure their due observance; and
 - (b) those powers, duties, and functions that, under constitutional and statutory provisions and through long usage and accepted practice and custom at the federal and state level, have come to be regarded as belonging to the executive branch of government.
- (3) "Legislative," when used to describe the powers, duties, or functions of a county commission or council, refers to:
 - (a) the power and duty to enact ordinances, levy taxes, and establish budgets; and
 - (b) those powers, duties, and functions that, under constitutional and statutory provisions and through long usage and accepted practice and custom at the federal and state level, have come to be regarded as belonging to the legislative branch of government.

Amended by Chapter 46, 2006 General Session

17-50-102 Unlawful liabilities void.

Each contract, authorization, allowance, payment, and purported liability to pay made or attempted to be made in violation of this title shall be absolutely void and shall never be the foundation or basis of a claim against the county.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-103 Use of "county" prohibited -- Legal action to compel compliance.

- (1) For purposes of this section:
 - (a)
 - (i) "Existing local entity" means a local district, special service district, or other political subdivision of the state created before May 1, 2000.
 - (ii) "Existing local entity" does not include a county, city, town, or school district.
 - (b)
 - (i) "Local district" means a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, that:
 - (A) by statute is a political and corporate entity separate from the county that created it; and
 - (B) by statute is not subject to the direction and control of the county that created it.
 - (ii) The county legislative body's statutory authority to appoint members to the governing body of a local district does not alone make the local district subject to the direction and control of that county.
 - (c)

- (i) "New local entity" means a city, town, school district, local district, special service district, or other political subdivision of the state created on or after May 1, 2000.
 - (ii) "New local entity" does not include a county.
- (2)
- (a) A new local entity may not use the word "county" in its name.
 - (b) After January 1, 2005, an existing local entity may not use the word "county" in its name unless the county whose name is used by the existing local entity gives its written consent.
- (3) A county with a name similar to the name of a new local entity or existing local entity in violation of this section may bring legal action in district court to compel compliance with this section.

Amended by Chapter 329, 2007 General Session

17-50-104 Counties of the state -- County boundaries maintained by lieutenant governor.

- (1) The counties of the state are those whose geographic boundaries are described in the official county boundary records maintained by the office of the lieutenant governor and may be changed only in accordance with the provisions of this title.
- (2) The office of the lieutenant governor shall maintain the official county boundaries for the counties of the state and update those boundaries upon the lieutenant governor's issuance, under Section 67-1a-6.5, of an applicable certificate, as defined in that section.

Amended by Chapter 350, 2009 General Session

17-50-105 Disputed boundaries.

- (1) As used in this section, "independent surveyor" means the surveyor whose position is established within the Automated Geographic Reference Center under Subsection 63F-1-506(3).
- (2)
- (a) If a dispute or uncertainty arises as to the true location of a county boundary as described in the official records maintained by the office of the lieutenant governor, the surveyors of each county whose boundary is the subject of the dispute or uncertainty may determine the true location.
 - (b) If agreement is reached under Subsection (2)(a), the county surveyors shall provide notice, accompanied by a map, to the lieutenant governor showing the true location of the county boundary.
- (3)
- (a) If the county surveyors fail to agree on or otherwise fail to establish the true location of the county boundary, the county executive of either or both of the affected counties shall engage the services of the independent surveyor.
 - (b) After being engaged under Subsection (3)(a), the independent surveyor shall notify the surveyor of each county whose boundary is the subject of the dispute or uncertainty of the procedure the independent surveyor will use to determine the true location of the boundary.
 - (c) With the assistance of each surveyor who chooses to participate, the independent surveyor shall determine permanently the true location of the boundary by marking surveys and erecting suitable monuments to designate the boundary.
 - (d) Each boundary established under this Subsection (3) shall be considered permanent until superseded by legislative enactment.
 - (e) The independent surveyor shall provide notice, accompanied by a map, to the lieutenant governor showing the true location of the county boundary.

- (4) Nothing in this section may be construed to give the county surveyors or independent surveyor any authority other than to erect suitable monuments to designate county boundaries as they are described in the official records maintained by the office of the lieutenant governor.

Amended by Chapter 350, 2009 General Session

17-50-106 Exemption from state licensure by Division of Real Estate.

In accordance with Section 61-2f-202, an employee of a county is exempt from licensure under Title 61, Chapter 2f, Real Estate Licensing and Practices Act:

- (1) when engaging in an act on behalf of the county in accordance with:
- (a) this title; or
 - (b) Title 11, Cities, Counties, and Local Taxing Units; and
- (2) if the act described in Subsection (1) is related to one or more of the following:
- (a) acquiring real estate, including by eminent domain;
 - (b) disposing of real estate;
 - (c) providing services that constitute property management, as defined in Section 61-2f-102; or
 - (d) leasing real estate.

Amended by Chapter 379, 2010 General Session

17-50-107 Inventory of competitive activities.

- (1) As used in this section:
- (a) "Applicable county" means:
 - (i) on and after July 1, 2009, a county of the first class; and
 - (ii) on and after July 1, 2010, a county of the first or second class.
 - (b) "Competitive activity" means an activity engaged in by a county or an entity created by the county by which the county or an entity created by the county provides a good or service that is substantially similar to a good or service that is provided by a person:
 - (i) who is not an entity of the federal government, state government, or a political subdivision of the state; and
 - (ii) within the boundary of the county.
 - (c)
 - (i) Subject to Subsection (1)(c)(ii), "entity created by the county" includes:
 - (A) an entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, in which the county participates; and
 - (B) a special service district created under Title 17D, Chapter 1, Special Service District Act.
 - (ii) "Entity created by the county" does not include a local district created by a county under Title 17B, Limited Purpose Local Government Entities - Local Districts.
- (2)
- (a) The governing body of an applicable county shall create an inventory of activities of the county or an entity created by the county to:
 - (i) classify whether an activity is a competitive activity; and
 - (ii) identify efforts that have been made to privatize aspects of the activity.
 - (b) An applicable county shall comply with this section by no later than:
 - (i) June 30, 2010, if the applicable county is a county of the first class; and
 - (ii) June 30, 2011, if the applicable county is a county of the second class.
- (3) The governing body of an applicable county shall update the inventory created under this section at least every two years.

- (4) An applicable county shall:
- (a) provide a copy of the inventory and an update to the inventory to the Free Market Protection and Privatization Board created in Title 63I, Chapter 4a, Free Market Protection and Privatization Board Act; and
 - (b) make the inventory available to the public through electronic means.

Amended by Chapter 325, 2013 General Session